REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on September 30, 2008. At the time of the Office Action, claims 1-17 were pending. By way of the present response, applicants have: 1) amended claims 1, 5, 9, 13, and 15; 2) added no claims; and 3) canceled no claims. As such, claims 1-17 are now pending. Reconsideration of this application as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the background section of the present application (hereinafter "Background") in view of U.S. Patent No. 5,806,078 (hereinafter "Hug").

The Background describes a method of updating a database directly from the existing version to an upgraded version by applying an update message to map the schema of a database from the existing version to the current version.

Hug describes a version management system for storing and retrieving changes to spreadsheet and word processor documents which permits a user to access a plurality of versions of those documents. In Hug, an original version of a document and all alternative versions are stored in a delta format, i.e., storing only the differences from a prior document version, in a common difference data file and version data file. "The difference data file 42 contains sets of data records reflecting the delta-formatted differences from each prior version of a document, e.g., the changed data and the cell location in a spreadsheet." (Hug, col. 6, lines

7-11). "[T]he version data file 40 contains a set of pointers 54 for each stored document version that point to a set of data records in the difference file 42 that are used to regenerate each document version." (Hug, col. 6, lines 22-27).

Applicants respectfully submit that the Background does not teach or suggest a combination with Hug and that Hug does not teach or suggest a combination with the Background. The Office Action asserts that the modification of the Background with Hug would "provide improved means for comparing different document versions ... therefore, improving the performance of the method and apparatus of upgrading a database in a redundant environment by release chaining." (Office Action dated 9/30/08, page 4). The Background describes upgrading the schema of a database, not versions of a document. Furthermore, the Office Action fails to provide any explanation of why a person of ordinary skill in the art would look to alter a method for upgrading the schema of a database with a version manager to compare different versions or how comparing versions would result in upgrading a database by release chaining.

Even if the Background and Hug were combined, the combination fails to disclose updating a database update message. The Background describes that the update message is used to map the schema of a database from a previous version to a new version but does not describe updating or altering the update message itself. Hug does not describe database update messages. Furthermore, while Hug describes storing delta versions of a document, Hug does not describe updating or altering the delta versions. Instead, Hug describes applying delta versions successively and directly to an original version of the document. A document in Hug is neither an update message nor a database.

Furthermore, as admitted by the Office Action, the Background fails to disclose chaining through one or more intermediate upgraded versions, wherein updating comprises receiving an update message having a first version format, and <u>repeatedly generating a revised update message</u> having a next most recent version format based on the update message until a final update message having the upgraded version format is generated. Applicants respectfully disagree with the Office's assertion that Hug discloses the above discussed feature. Hug does not disclose update messages or repeatedly generating a revised update message. In contrast, the contents of the version control files in Hug are the data edited by a user and pointers to the locations in the document of the data edited by a user. Hug applies each individual delta version of the data to the original document in succession until reaching the desired version. Hug does not disclose generating <u>a revised update message</u> by release chaining.

Lastly, the combination of Hug and the Background fails to disclose applying <u>the revised update message</u> to the database to write an upgraded version of the schema of the database. The Background describes applying an update message, without revision, to a database. As discussed above, Hug applies each individual delta version of the data to the original document in succession until reaching the desired version. If the document in Hug is treated as analogous to an update message, the alleged update message is not applied to anything else – the final product in Hug is the document at a selected version. If the delta versions are treated as analogous to an update message, no delta version is updated or revised by release chaining and then applied to the document – each delta version is individually applied to the document.

Accordingly, applicants respectfully submit that the rejection of claim 1 has been overcome.

Given that claims 2-4 are dependent claims with respect to claim 1, either directly or indirectly, and include additional features, applicants respectfully submit that the rejection of claims 2-4 has been overcome.

Given that claims 5-8, 9-12, and 13-17 were rejected based upon the same art and rationale as claims 1-4 and claims 5-8, 9-12, and 13-17 have similar limitations as claims 1-4 that are not disclosed in the Hug, the Background, or combination thereof, applicants respectfully submit that the rejection of claims 5-8, 9-12, and 13-17 has been overcome for the at least the reasons discussed above.

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hug in view of the Background.

Applicants respectfully submit that the Background does not teach or suggest a combination with Hug and that Hug does not teach or suggest a combination with the Background. The Office Action asserts that the modification of Hug with the Background would "improve the performance of the method and apparatus for upgrading a database by release chaining." (Office Action dated 9/30/08, page 6). Applicants respectfully submit that this conclusory statement does not provide the required articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. The assertion made by the Office discusses the modification of the Background by Hug (which was discussed above), but not a modification of Hug by the Background. Hug does not describe upgrading the schema of a database (as admitted by the Office Action), and it is respectfully submitted that a person of

ordinary skill in the art would not seek to modify a version management system for documents with an update message for upgrading the schema of a database.

Even if Hug and the Background were combined, the combination would fail to disclose all of the features of claim 1 for the reasons discussed above.

Additionally, the Office Action made reference to Hug, col. 79, lines 5-23 (Office action dated September 30, 2008 page 5). Applicants respectfully direct the Office's attention to the fact that **Hug does not contain a column 79**. Applicants assume that the Office Action was referring to Nakagawa, a reference of a previous rejection, as rejections are often modeled after previous rejections (see Office action dated September 21, 2007 page 2). The basis for the rejection was Hug in view of Background, and did not include Nakagawa. There was no discussion of a combination of Nakagawa with Hug and the Background and no articulation of a motivation to combine Nakagawa with Hug and the Background.

Nonetheless, even if the Office Action had included Nakagawa in the rejection, applicants respectfully assert that one of ordinary skill in the art would not be motivated to combine the references and, even if combined, the combination would still lack the limitations of independent claims 1, 5, 9, and 13. Nakagawa discloses a client program to detect software updates, download them from a server, and update the software according to the update instruction information when it is received. Nakagawa does not disclose a updating a database update message by chaining through one or more intermediate upgraded versions, wherein updating comprises receiving an update message having a first version format, and repeatedly generating a revised update message.

Accordingly, applicants respectfully submit that the rejection of claim 1 has been overcome.

Given that claims 2-4 are dependent claims with respect to claim 1, either directly or indirectly, and include additional features, applicants respectfully submit that the rejection of claims 2-4 has been overcome.

Given that claims 5-8, 9-12, and 13-17 were rejected based upon the same art and rationale as claims 1-4 and claims 5-8, 9-12, and 13-17 have similar limitations as claims 1-4 that are not disclosed in the Hug, the Background, or combination thereof, applicants respectfully submit that the rejection of claims 5-8, 9-12, and 13-17 has been overcome for the at least the reasons discussed above.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome. Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: __December 29, 2008__   _____/Ryan W. Elliott/_____
Ryan W. Elliott
Reg. No. 60,156

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300